

## **REMARKS**

This amendment is filed under 37 C.F.R. §41.63 after the date of filing an appeal pursuant to §41.61. It is being filed in response to the Notice of Non-Compliant Appeal Brief mailed December 7, 2007, which stated “(4) The summary of claimed subject matter section does not map the independent claim on appeal, to the specification by page and line number and to the drawings, if any (claim 39)”. Originally filed claim 39 depended from independent claim 36. However, claim 39 was amended on August 15, 2006, and the language “in claim 36” was inadvertently removed (without the required strikethrough mark-up). Since, as currently written, claim 39 does not depend from any other claim, it is cancelled herein. Pursuant to 37 C.F.R. §41.63(a) the amendment should be entered because such cancellation does not affect the scope of any other pending claim in the proceeding. Consequently, this Amendment leaves claims 1-3, 5-11, 13-22, 24-38 and 40-42 pending in the present application.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney’s Deposit Account Number 09-0456.

Respectfully submitted,

Dated: January 3, 2008

/Pamela M. Riley/  
Pamela M. Riley, Esq.  
Registration No. 40,146

Gibb & Rahman, LLC  
2568-A Riva Road, Suite 304  
Annapolis, MD 21401  
Voice: (410) 573-0227  
Fax: (301) 261-8825  
Customer Number: 29154  
10/023,235